

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA	:	Case No. 1:15-CR-012
	:	
v.	:	SENTENCING MEMORANDUM
	:	OF UNITED STATES
CHRISTOPHER CORNELL	:	
	:	Senior Judge Sandra Beckwith

Beginning in 2014, Defendant Christopher Cornell (“Cornell”) became a sworn follower and supporter of a foreign terrorist organization, the Islamic State of Iraq and the Levant (ISIL). Through the end of 2014 and into January 2015, Cornell made extensive plans to conduct a violent attack on government employees and officials in Washington, D.C., hoping that it would be viewed as a symbolic attack on the heart of America. Cornell eventually settled on a plan to storm the State of the Union Address on January 20, 2015 at the U.S. Capitol, with the expressed desire to murder as many government employees as possible, including the President of the United States and members of Congress. On the way to Washington, D.C. to execute his plot, Cornell purchased two Model M-15 semi-automatic rifles and 600 rounds of ammunition before being arrested.

Pursuant to a plea agreement, Cornell pled guilty to three counts in the Indictment. He admitted that he was guilty of attempting to murder government employees and officials, in violation of 18 U.S.C. § 1114 (Count 1), possessing a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(Count 3), and attempting to provide material support of a designated foreign terrorist organization (ISIL), in violation of 18 U.S.C. § 2339B (Count 4).

Based on 18 U.S.C. § 3553(a) and the facts discussed below, the United States recommends a sentence of a total of 30 years of incarceration (360 months). The government requests a lifetime period of supervised release and forfeiture of the AK-47 rifle.

I. THE SENTENCING PORCEDURE POST BOOKER.

After the Supreme Court's landmark decision in *United States v. Booker*, 543 U.S. 220 (2005), the Sentencing Guidelines are advisory, and judges must now impose sentences in accordance with 18 U.S.C. § 3553(a), which describes the factors to be considered. However, a district court must first use the Guidelines to calculate a Defendant's sentencing range and consider the range when devising a sentence. *Gall v. United States*, 552 U.S. 38, 128 S. Ct. 586, 596 (2007). After calculating the advisory Guidelines range, the court must consider that range along with all the factors listed in 18 U.S.C. § 3553(a) before arriving at the final sentence. These factors include the following:

- (1) the nature and circumstances of the offense and the history and characteristics of the Defendant;
- (2) the need for the sentence imposed--
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the Defendant; and
 - (D) to provide the Defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) . . . the sentencing range established . . . [by the Guidelines];
- (5) any pertinent policy statement . . . issued by the Sentencing Commission . . . that . . . is in effect on the day of sentencing[;]
- (6) the need to avoid unwarranted sentence disparities among Defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

18 U.S.C. § 3553(a).

III. NATURE OF THE OFFENSE.

Although no one sentencing factor is controlling, the nature of Cornell's criminal offense is so critical, chilling, and disturbing that it requires an extensive discussion.

A. The Defendant's Twitter Accounts.

Cornell created a series of Twitter accounts (under the name Raheel Marhus Ubaydah) through which he publically espoused admiration and support for the violence perpetrated by ISIL. When an account was suspended by Twitter due to content, Cornell would simply open a new account under a different name and continue the behavior. Cornell retweeted speeches, videos, and "Messages to America" from ISIL. He posted online pro-ISIL magazines, such as *Dabiq*, and also advised other ISIL supporters to use an anonymizing service on the internet in order to help hide their identities. Cornell even called out other Twitter users that he believed were not true ISIL supporters or were working for the government.¹

The Twitter posts in support of ISIL started as early as June 2014, well before Cornell ever met the government source in this case. In June, Cornell retweeted numerous news items from ISIL, including ISIL's military advances into Iraq. On June 13, 2014, Cornell retweeted the *Islamic State News*, Issues 1-3. On June 29, 2014, Cornell wrote, "Allahu Akbar! The Khilafah is reestablished!"² On July 5, 2014, he posted a picture of ISIL's leader, al-Baghdadi, and praised his first appearance

¹ Amid his pro-ISIL posts, Cornell posted numerous conspiracy theories and insults directed at various groups. This memorandum cannot fully convey all of Cornell's anti-Semitic slurs and online hate speech that reveal his character and dangerousness. However, as a single example, Cornell reacted to the riots in Ferguson, Missouri with multiple anti-Semitic postings, claiming that the incidents were part of a plot by Jewish people that he called the "Jew World Order."

² "Allahu Akbar" is an Islamic phrase that means "God is greater." "Khilafah" is an Islamic term that commonly refers to the leader of a caliphate. A caliphate roughly means an Islamic State or jurisdiction, run by a "caliph."

on behalf of the Islamic State. Cornell later posted issues 1-4 of the *Islamic State Report* as well as issues of *Dabiq*, the online magazine for ISIL.

On August 20, 2014, Cornell wrote, “What happened to James Foley is the fate of every kafir who plots against the Islamic State!”³ He posted pictures of the beheading and asked for video footage of the executions. Cornell later wrote, “Muslims in America and Britain must either make hijra [travel] to Muslim lands or wage jihad in their lands.” As another example, Cornell wrote, “Allahu Akbar! An American kafir and Jew kafir executed! Next a British kafir! May this send fear to those of Israel, America and Britain.”

B. Initial Communications with the Source.

Through this Twitter activity, Cornell (under the name Raheel Marhus Ubaydah) began communicating directly with numerous individuals he met online. One such person online became a government confidential human source (“CHS”) for this case. The initial communications between Cornell quickly turned to supporting ISIL, and the CHS told Cornell that he would prefer to receive guidance from an emir as to what ISIL needs, whether it meant travel overseas or a certain attack. On August 29, 2014, Cornell wrote to the CHS a troubling statement: “I don’t think we are going to get a clear answer back from an amir... I believe we should just wage jihad under our own orders and plan attacks and everything ourselves... I believe we should meet up and make our own group in alliance with the Islamic State here and plan ourselves operations... I do have many ideas and plans already to mention that I of course will not disclose fully on here for obvious reasons.”⁴

³ This is a reference to an individual who was captured by ISIL and publically beheaded. The term “kuf”r” or “kafir” is an Islamic term for non-believers, and is often used to refer to America or the West generally.

⁴ The term “amir” or “emir” means a title of high office used in a variety of places in the Middle East.

In September, 2014, the CHS informed the FBI about his contact with “Raheel Mahrus Ubaydah” and the troubling statements. Communications between the CHS and Cornell began in August 2014 and continued after September 11, 2014 under the FBI’s guidance.

Cornell, as Raheel Mahrus Ubaydah, continued communicating with the CHS about ISIL and asked the CHS whether there was any word back from an emir regarding directions. As the FBI investigated Cornell’s true identity, the CHS stalled on this question and suggested an in-person meeting. The FBI eventually identified Raheel Mahrus Ubaydah as Defendant Chris Cornell from Cincinnati. Cornell repeatedly warned the CHS to be “extremely careful” about what they said and did online until they met because “they are really out and on alert now. No speaking on anything at all, we will discuss everything in person.” Cornell expressed concern to the CHS about ISIL supporters being arrested in Texas. Cornell advised the CHS to use a service to hide his IP address. The two eventually settled on meeting in Cincinnati, Ohio on October 17, 2014.

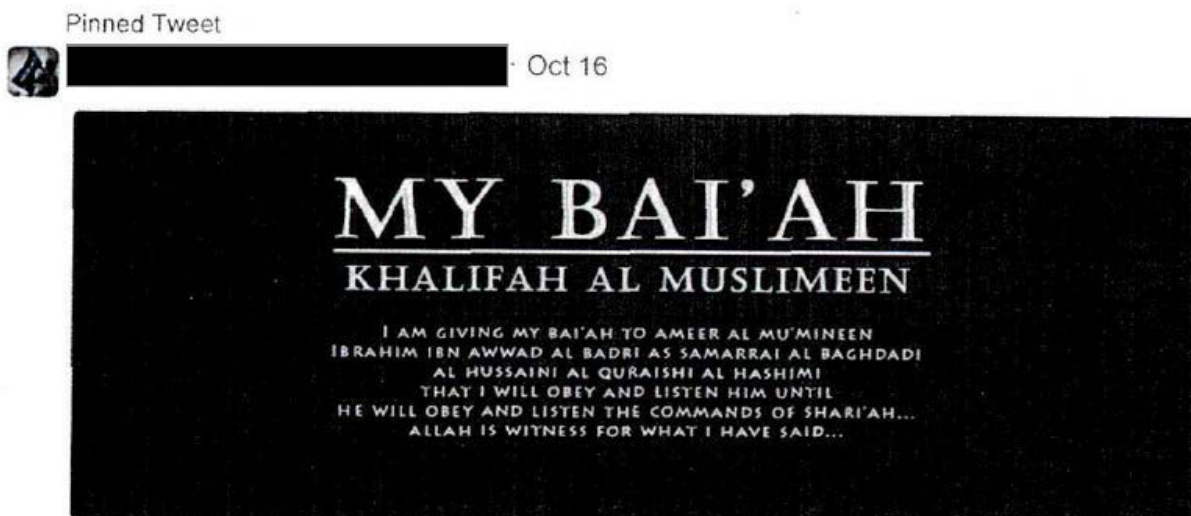
As Cornell and the CHS discussed meeting, Cornell continued his activity on Twitter. For example, on September 17, 2014, Cornell wrote, “Be careful with whom you come in contact with over the internet. FBI agents posing as mujahid are entrapping Muslims.” On September 18, 2014, Cornell retweeted a message from Junaid Hussain⁵ and posted an ISIL propaganda video called “Lend Me Your Ears,” which contained recorded statements from a British journalist kidnapped by ISIL. The next day, Cornell retweeted “The Flames of War,” an ISIL propaganda video. On September 25,

⁵ Junaid Hussain was a well-known and high-level “hacker” and recruiter for ISIL who had a significant presence online. He died in a drone strike in Syria in the summer of 2015. During the November 2014 meetings, Cornell alluded to communicating with Junaid Hussain, saying, “I’m always talking to him, he’s pretty smart. He’s, he’s the one, the hacker... he like, hacked Tony Blair.” Cornell said that he did not want to discuss anything specific about attack plans with Hussain over the internet.

2014, Cornell wrote, “BEST ADVICE FOR BROTHERS AND SISTERS: DO NOT TRUST KUFR I DO NOT TAKE KUFR AS FRIENDS OR ALLIES!”

In October 2014, Cornell continued to celebrate the practice of beheadings. On October 1, 2014, Cornell wrote that he supported Alton Nolen, a person who had recently beheaded a coworker in Oklahoma, and that “we need more brothers like him.” On October 3, 2014, after ISIL showed a video beheading a prisoner, Cornell tweeted his support for the killing, posted pictures of the beheading, and wrote, “it’s only right we continue to strike at the necks of your people.” On October 6, Cornell wrote, “I’ll paint the canvas with the blood of the kufr.” On October 14, on a new account, Cornell posted a picture of the Capitol with a statement, “We will raise the flag of Tawhid over America!” Two days later, Cornell again wrote that, “What happened to James Foley is the fate of every kufr!” referring to an ISIL hostage that was beheaded.

Cornell then posted a “baya”, or oath of allegiance, to ISIL that he kept at the top of his Twitter page:



C. The First Meeting (October 17-18, 2015).

Cornell met in person with the CHS on October 17, 2014. They discussed their backgrounds, interests, who they follow on Twitter, mosques, work, current events, various religions, conspiracies, and topics related to ISIL. During the conversations, Cornell said that he had been planning to travel to Syria earlier in the year, before the Islamic State received more attention. Cornell had gotten in touch with a person online to help him, but Cornell did not have enough money. When asked why, Cornell said that jihad is an obligation. Cornell was upset that he could not travel and said, “I was gonna stay and, you know, do whatever I need to do here – I don’t want to explain in detail cause for my own safety and security, you know?” Cornell said it was too risky to travel now and he was worried about being arrested by law enforcement.

Cornell repeatedly mentioned that he did not want to share his plans yet, but he did reveal hints about his ideas. Cornell said he wanted to get started in November or December. Cornell added that he was trying to find other “brothers” to help, but he did not want anyone “moderate.” Cornell said that he studied other cases regarding FBI informants to make sure that he does not get caught. Cornell said they needed finances and a place for base operations, they needed to figure out weapons (but he would not say the type), and they needed to train. Cornell repeated, “we need to gather the right stuff together, weapons, and whatever else we need. Base, weapons, and then once we have that, on the place you know, training you know, understanding weapons, how to handle them right.”

Cornell made clear that he was hinting at a homeland terrorist attack. Cornell mentioned that the Boston Marathon bombings led to a response from law enforcement with mounted weapons. Cornell said, “we have to fight against that, so it’s gonna be very difficult, so I say until, inshallah, we get more people, we just, we’re gonna have to do like, I don’t wanna mention exactly, like small attacks you know, like small, move on... you wanna damage their ...infrastructure or whatever they

have.” Cornell discussed how much money he thought they needed to save for weapons and that they might need to build explosives, again discussing the effectiveness of the Boston bombing.

At one point, the CHS asked Cornell a poignant question about the people that would be harmed by a violent attack:

CHS: “So what are your thoughts on this, so once we get started what do you think or... how comfortable are you with... what’s your opinion on I guess what they call collateral damage?”

Cornell: “*Collateral damage? You mean like a civilian?*”

CHS: “Yeah, like civilians or other Muslims?”

Cornell: “*Well of course no Muslims.*”

CHS: “Kids?”

Cornell: “*Kids, you know... like many brothers will say, it’s kind of inevitable.*”

CHS: “Yeah.”

Cornell: “*It happens, you know, but that’s not our main target, you know?*”

CHS: “Yeah.”

Cornell: “*We’re not going to say, ‘hey we’re just going to do that’. Even though, you know, we could but, you know, that’s not the real goal. What are we going to get out of that, you know? I think logically, I’m not simply, you know. We could easily go out and attack that kafir right there. But I want to make something effective and efficient you know.*”

Cornell: “*What damage is it doing to the kafir, to the system they got, you know? Everything else, it’s not really stopping them. So we got to figure out something to stop them. See, I got plans, and I just throw it out because I don’t mind no more, you know? Cause I respect that Mullah stuff but pretty much I’ve seen Al Qaida and many other brothers, they gave me, the kafir really gave me this idea.*”

CHS: “Uh huh.”

Cornell: *"Attacking a small military base, like uh, I'm pretty the brothers from Al Qaida talking about, this in Virginia, there's many places over there. You know if you go after one of those you collect, uh, of course there's kafir, soldiers, and stuff."*

CHS: "Yeah."

Cornell: *"They're not really claiming a lot of kids and stuff. So it's different. Throughout that you collect war booty and everything, you know. But the thing is that that would have to be quick, you know? We can't just attack, stay there..."*

CHS: "Hang out."

Cornell: *"They'll be on us."*

CHS: "Right, right."

Cornell: *"We'd have to attack, do what we need to do, collect up what we need to, and move you know. We need to do that quick, especially in Dar kafir. There'd be like eighty cops on the move so we to have everything the right way, you know? Just like you said, we need time. That's kind of one of the ideas I have. I was going to leave that up for debate."*

CHS: "Ok."

Cornell: *"I have too many different ideas, you know? But I heard Virginia is the best place because they have many of the places out there and I don't think we should hit any place that's too big for us, that's got too many people."*

The next day, October 18, 2016, the CHS met again briefly with Cornell. During the meeting, Cornell again emphasized an attack on government employees, versus civilians, saying:

- *"I really don't believe in simply going out and stabbing people and shooting people and running people over, and blowing up random stuff, although I do believe ya know, attacking the kufar at their, ya know, like at their government buildings."*
- *"I could take one [bomb], and set it off, ya know, at some monumental building or like some monumental place, something that is important to the Kufr, ya know. . . like say if there's some political figures or some military figures, ya know, I could do something like that."*
- *"I believe ya know, going simply after ya know, important places, important figures, ya know, people who simply fight against us, militarily and ah, all these other stuff..."*

Cornell discussed the money they needed to save, as well as the need to find a place to store their weapons or whatever materials they acquired. They planned to meet again and the CHS left.

D. Activity Between Meetings.

Cornell and the CHS continued to communicate directly in writing after the October 2014 meeting. Cornell told the CHS that he was saving up money and reading religious texts. Cornell advised the CHS to delete their message conversations off of his computer or phone. Cornell also told the CHS about the recent deaths of various ISIL members that Cornell had previously been in contact with. Throughout this time, Cornell continued his activity on Twitter.

Notably, on October 22, 2014, an ISIL supporter killed a Canadian soldier standing guard at a memorial and then attack the Canadian Parliament. Cornell sent a message to the CHS about the attack and praised the attacker for receiving shahada (or martyrdom). Cornell also pointed out to the CHS how law enforcement responded to the attack and that armored vehicles that were used. Cornell told the CHS: “I hope that brother knew how high of a deed that was he did too. I am quite jealous.” Cornell also applauded the attack on Twitter, saying, “May Allah reward these brothers who fought and received shahada in Canada! May the recent attacks send fear into the hearts of the kufr!” The next day, Cornell wrote on Twitter, “Feel honored to be called a terrorist by the kufr. It means that you have put fear into their hearts.”

Two days later, on October 24, 2014, another supporter of ISIL attacked police officers in New York City with a hatchet before being killed. Cornell retweeted the news stories and wrote, “May Allah accept and reward [the attacker]. May all kufr in America face the same fate as these cops!” As this case unfolded, Cornell often returned to discussing these two attacks – the Canadian Parliament attack and the New York axe attack – as motivational models. He tried to assess the lessons to be learned from the attacks so that his attack would be more successful.

Around the same time, the news reported the first death of a U.S. soldier fighting against ISIL. Cornell posted his happiness at the death:



Cornell wrote to CHS that he thought they should each raise about \$1000-\$1300 for the plan, adding, “if we can each get 2,000 or more than that is great.” Cornell thought he would have the money by the end of November and would be “ready” in December. Cornell also explained that he has been working on his plans, but would share them when they meet in person.

On October 28, 2014, Cornell wrote a lengthy message to the CHS complaining about his relationship with his family and their criticism of his religion. Cornell said that he was going to move forward with his plans with or without the CHS. Cornell stated: “The things they [his family] say and do is something I would kill a kufr for doing outside my family. So Insha’Allah we get this going soon. If you can’t than I understand and if you don’t want to join me brother, that’s fine. But I am going to start by December...Maybe January if I can’t make it then...despite what I said before about dates. Can’t make it much longer but no matter what I am moving forward with or without anyone.

Like I said I have a set idea and somewhat of a set of plan on what I want to do and how I want it done. I know what I will need and where I will need to go and how it will need to be done.”

The CHS counseled Cornell to be patient and to be kind with his family. The CHS urged him to not rush into plans, adding, “please rethink your stance as it will bring more harm than good.” Cornell agreed to take the CHS’s “advice and be calm for now and wait... You know brother I am just full of eagerness to fight these kufr and full of anger and what they say, done, and continue to do.”

Given the concern that Cornell would act alone, the CHS reached out to Cornell on October 29 and reassured him that the CHS would join Cornell’s plans. The CHS told Cornell that he heard secondhand that there is no reason to delay once they were ready and that “I’m with u 100%.” Cornell said that was “great to hear” and “I am ready and with you 100% too!” Cornell asked to meet again soon so he could explain his ideas. They arranged to meet one more time to talk about plans, and then pick a time for the actual operation.

That same day, Cornell unleashed a slew of public postings on Twitter in support of ISIL, including talk about attacks on the American homeland. For example, he wrote:

- *“If America is so big and bad as Americans portray it to be then why does it need 40 nations to fight against the Islamic State?”*
- *“If America was crippled by simply one 9/11 attack than imagine if there were even more in their homeland.”*
- *“If America could barely handle the two Tsarnaev brothers than how do you expect them to many and them being better equipped?”*
- *“Canada, Britain, and America all faced attacks by brave lone wolf mujahid and were terrified so what makes you think they can handle a army?”*
- *“Americans will fight the Islamic State if they go to America? Yeah right!! You will run, scream, cry and hide in your homes like in Boston.”*

On October 30, 2014, Cornell wrote to the CHS and summarized his thinking: “[F]irst time we met was to understand and gain trust with each other...second will be for discussion and everything else...third will be to move.” Cornell also said that he did not want to risk trying to bring in a third person because of the possibility that the person could be an FBI agent.

Through early November, 2015, Cornell continued to post speeches, quotes, and other pro-ISIL content on Twitter. He mourned the death of an ISIL leader and criticized President Obama, calling him a “dumb stuttering buffoon.” He also posted an altered picture of the White House that had the ISIL flag and banners flying.

E. The Second Meeting (November 10-11, 2015).

Cornell and the CHS met again on November 10 and 11, 2014. On the first day, they initially went to a fast food restaurant and, while they ate in the car, Cornell unveiled his ideas for a violent attack. It is worth emphasizing that Cornell did nearly all of the talking during this meeting, with the CHS saying very little. The next day, November 11, 2016, Cornell and the CHS met again. Ironically, they spent part of the time parked at the Green Township Veteran’s Park (on Veteran’s Day), further discussing the attack plans. Once again, Cornell did most of the talking.

During these talks, Cornell explained the type of semiautomatic rifle he planned to purchase and the cost. Cornell stated that he debated doing separate attacks on different days, versus multiple attacks in one day, but he ultimately decided that, “one day we just go all out.”

Cornell discussed the places that he wanted to target with his attacks. As they talked, Cornell opened his laptop computer and showed pictures and websites of the targets to the CHS. He decided that Washington, D.C. would be the ideal target city because there were so many government officials and buildings. Cornell felt that the White House would have too much security due to recent issues with fence-jumpers. Cornell mentioned other targets, including a National Guard armory, the

Supreme Court, and the Israeli Embassy. He then turned to the U.S. Capitol, which Cornell said was his own idea and not in any magazine. Cornell noted that he wanted to spend a couple of days to conduct surveillance and assess the security level. Cornell noted that he could see complete images, videos, and maps of the Capitol online and he showed them in detail to the CHS. Cornell talked about specific rooms and the path that he wanted to take for the attack.

As for timing, Cornell originally thought Christmas Day would have a significant impact, but then he decided that “everybody is gonna be at home, so I decided to cancel that out.” Cornell turned to the idea of attacking on a “random day . . . a day they would never expect” and searched the Capitol calendar to find a day that would be ideal for an attack.

Cornell discussed the possible method of attack. He said that he had reviewed many ideas, including tutorials on how to make bombs, and referenced the Boston bombings. Cornell mentioned the possibility of using the bombs as distractions at various points in the city in order to cause confusion. He did not want the bombs to go off too early before his assault on the Capitol because people would be evacuated. He wanted the bombs to go off about five minutes beforehand, and then attack the Capitol with firearms. Cornell said that the “explosives are easy to make” and inexpensive.

Cornell discussed the hotel and car options for the plan as well. He also discussed the different types of firearms and ammunition to purchase. Cornell wanted to purchase the weapons from a gun store because he was afraid that a private purchase would be an FBI sting. Cornell discussed the options for them if they escape (which he called “achieving victory”), as well as if they get trapped in the building. Cornell said that if he received “shahada” (or martyrdom), then “I wanna at least go out, I want to make everything huge.”

As for the government individuals to be killed, Cornell criticized the attack on September 11, 2001 as not impacting the government directly, saying, “I want to effect the government itself.” The

CHS asked who they were trying to target. Cornell responded: “[I]t’s the House of Representatives, all them people. . . Like I figured, if we are gonna go out and do something, you know, why not target the biggest people in America?” Contrasting with 9/11, Cornell said, “if you target powerful people, that’s a different story. That’s what I was thinking about doing. Go after like, the bigger, bigger names. . . [T]hat’s gonna be a big hit on the Government.” Cornell later added that there are over 400 members of Congress. “[I]t doesn’t matter who we hit, you know, we could hit some guy from Texas, or some guy from -- cause they are all enemies, you know. They’re all part of the government. They’re all there for a reason. . . so it doesn’t matter who we hit.”

Cornell admitted that he considered attacks on government officials two to three years earlier. He said: “Like a couple of years back, ya know, I had a mindset I wasn’t planning on doing any acts like this. I was thinking about doing like assassinations and stuff, you know. . . I was thinking about targeting, like, government officials, cause it’s easy to find like some here [Cincinnati] because it isn’t as big as like D.C. areas... That’s what I was thinking about doing two or three years ago on my own. I was thinking about doing stuff like that but there’s not really nobody here, like ah, they got like, the Mayor, but who is he?. . . But like ah, that is what I had in mind like two or three years ago.”

Cornell said that he didn’t want to bring a third person into the plan for security reasons, saying: “Cause I know exactly what this could lead to... um, you know, this could lead to big, big time in jail, you know?” Cornell also said:

- *“I believe in, you know, dying on the battlefield, you know fighting, shooting until my very last bullet is gone.”*
- *“I’m going after government. I’m going after all these people that’s runnin the show cause ya know people like a these people out here. These people are nothing.”*

- *"I want this day to be, that day to be the worst day of the Kufr faced since a long time."*

Cornell explained that he wanted to write down a letter to put in his bag in case he was killed. Cornell wanted to make sure that people knew his reasons for the attack. Cornell did not want anyone to think that he was a lunatic or mental patient. He also considered making a video of a speech explaining the reasons for the attack.

F. Activity Between Meetings.

After the November meeting, Cornell continued his same pattern of Twitter postings although he had to start a new account because his prior account had been suspended by Twitter. He continued to post speeches and videos from ISIL. Cornell made statements such as, "We love death more than you love life" and "So long as I am alive, never will I allow the kufr to rest." For example:

  · 2 mins
In the Islamic State of America you will see the Raya above Washington and Halal markets everywhere and USA flags and McDonald's destroyed.

  · 8 mins
Islam will be dominant in every part of the world that including America! This is a promise from Allah!



[View more photos and videos](#)



[REDACTED] · 30 secs

You can doubt all you want, but it will happen and we can see this already in the East. It's only a matter of time before it's the West.



[REDACTED] · 8 mins

They ask us, "if you want Sharia and an Islamic State why not leave to the East".

Well, that is because we will establish it in the West.

In December, Cornell wrote to other Muslims, "Stay away from the Masjids of the coconuts/moderates. They are working with the feds to spy on you and help the kufr to lead you astray." Cornell added, "When an Imam/Scholar in Dar al-Kufr speaks against "Extremism/Terrorism" know in other words he is denying our religious duty of Jihad." Cornell also posted this:



Follow

Feel honored to be called a terrorist because it means it that you strike terror into the hearts of the kufr.

On January 7, 2015, the magazine *Charlie Hebdo* in France was attacked by pro-ISIL terrorists, killing 12 people and injuring 11 people. Cornell was jubilant over the attack. He wrote, “Brothers in France rise up now and fight the kufr! A couple brothers today just paved the way for you so go towards Jihad!”



[REDACTED] 22 mins

Those who died in the Charlie Hebdo shooting were nothing but sick, disgusting, anti-Islam losers! They got what they deserved!



[REDACTED] 5 mins

Ha, ha! Look at those killed in Charlie Hebdo shooting! They are some of the most ugly, dumb and possessed looking people you can ever see!

Cornell continued to write to the CHS, noting that Congress would be on a break and not in session from mid-December to January. Cornell then told the CHS that the State of the Union on January 20, 2014 “would be the best day” and he wanted to meet on January 13 to prepare to leave.

G. The Third Meeting, Purchase of Gun, and Arrest.

On January 13, 2015, the CHS picked Cornell up in a car and they went to get food and then to the CHS’s hotel room. They talked at length that evening before Cornell went home. The plan was for the CHS to pick up Cornell (who would be packed) the next morning, purchase the firearms at a gun store, and then continue traveling to Washington, D.C.

That evening, Cornell said he decided to reduce the number of attack sites to just focus on the U.S. Capitol. He also decided to set aside the idea of using the pipe bombs as a diversion. Again, Cornell wanted them to focus on the firearm assault on the U.S. Capitol during the State of the Union. Cornell discussed the money saved and the plan to purchase guns and ammunition the next morning.

Cornell was happy that President Obama would be there with the full Congress, saying, "I'm hoping when we get there, that's he's up there cause I want a clear target." He added, "I hope Obama's up there making his little speech... so that's the first person I'm going to fire at. And you know it doesn't matter, cause the Senate's gonna be there, the House and all these people... the main people, the war mongers. Let's just say that it doesn't really matter, ya know?" He said veterans in the crowd would be a worthy target, too.

Cornell discussed what they should wear during the attack. Cornell wanted to bring the ISIL-related flag for the attack because he wants "them to exactly know who I am, and why I'm there." Cornell said that he wrote out a speech, whether to make as a video or leave as a letter. Cornell then summarized his written speech (discussed in detail below) for the CHS. Cornell also said he was glad the CHS was not an agent because "I've worked extremely, extremely hard these past few months to get where I am now, to get what I needed, too."

He discussed at length the lessons from the *Charlie Hebdo* attack. Cornell suggested that they destroy their IDs before the attack. He talked about the security guards at the Capitol that they would need to shoot, surmising that they could "catch them off guard." Cornell instructed: "you can't hesitate, like when you see somebody, you gotta shoot 'em ya know."

The next day, on January 14, 2015, they met as planned. Cornell said that he was, "feeling pretty comfortable, and pretty confident about everything. Like I said, I'm ready for any situation, you know – a standout, a standoff, I'm ready for that, you know. I'm ready for Shahada. I'm ready

for you know a chase. I'm ready. I'm ready for just about anything. . . but either way, ya know, it's still gonna be, ah, something the kufr remember a long time." He was hopeful that the attack would incite other attacks: "I'm tired of this sitting back and seeing brothers not doing anything. What, it's been over a decade or more . . . since we had a major attack against this country. . . I just hope we can incite some brothers to do something."

Cornell (with the CHS driving) went to the gun store and purchased two Armalite Inc., Model M-15, 5.56mm, semi-automatic rifles (Serial numbers MS000788B and MS000974A) and approximately 600 rounds of ammunition for \$1900. Cornell took possession of the firearms and ammunition and carried them out of the gun store to the car. He was arrested in the parking lot.

The car was searched. Cornell's belongings in the car and his backpack included a laptop and 2 thumb drives, personal clothing (including 6 camouflage shirts), a copy of the Quran, and a black flag that has been used by members of ISIL in military operations. A search of Cornell's apartment uncovered more digital media and a handwritten note that he left for his family, which lied about his whereabouts for the next few days.

After the arrest, Cornell made several statements while being transported to the FBI for an interview. He surmised that he was arrested for the purchasing guns, which he professed was legal. He also claimed that he and his friend were going to Washington, D.C. for sightseeing. During the recorded interview at the FBI, Cornell vehemently denied that there was any planned attack.

H. Materials Found on Cornell's Computers.

Found on Cornell's computers were two different drafts of a speech that he wanted to broadcast to the world before or after his attack. His "Message to America" speech states in part:

"I am your brother in Islam... Raheel Mahrus Ubaydah and I am fighting for the Islamic State and my Baya is with Caliph Abu Bakr al-Baghdadi. This is my message to the American people.....

The event of Tuesday, September [sic: January] the 20th in Washington will be a great attack against America. It's repercussions will not stop. Although it will be a big attack against America, but the events that will follow are dangerous and will be more enormous than the attack against the Capital.

*The attack against the capital is but a reaction to the continued American aggression, injustice and oppression against our people and it is in self defense of the coalition of nations waging war against the Islamic State. *** The battle has moved to inside America and we will fight until victory or until we recieve martyrdom. *** We do not see a difference between those dressed in military uniforms and business suits; they are all targets to us. *** America is against the establishment of an Islamic State.*

*We have one religion, one Allah, one book, one Ummah, we have no border and we live by the law of Allah. the kufr doesn't like this. *** With the permission of Allah we will bring America to its knees and we will raise the banner of Tawhid over the Capitol. I would like to close my message to you with this...*

Brothers and Sisters in America... awaken for this is the call of Jihad/you load your guns, you assemble your explosive devices/ you get out there and you use your weapons/ you rip America apart/you hunt down the gov. employees, the soldiers, the media, the JEWS, the CRUSADERS, the Zionist, the SHIA AND THE APOSTATES ALLYS ...and you kill them where you can, when you can/we need to destroy this kufr system....but I can not do this alone, I need you now, so go fourth my dear brothers and sisters and fight against disbelieving people of America."

There were other, relevant documents on Cornell's computer. He had typed a list of 11 guerrilla warfare tactics. He had a document called "State of the Union Address" that simply contained the date and time of the address. He had a document called "Weapons" that contained the following list: "M4 Carbine, AR 15, S&W M&P15, Molotov Cocktail."

The computers also contained many historical files about Cornell's activity with respect to following the activities and teachings of ISIL. There were pictures of ISIL fighters carrying the same black flag that Cornell had. There were many images of ISIL propaganda. There were materials related to the *Charlie Hebdo* attack in France, including the statement of the attackers.

Cornell also had copies of many issues of online magazines produced by ISIL and al Qaeda, namely *Inspire* (al Qaeda), *Dabiq* (ISIL), *Azan*, the *Islamic State News*, and the *Islamic State Report*. Some of these materials explain in detail how to conduct terrorist attacks and construct various types of bombs. Cornell had numerous publications about jihad on his computers, including *The Book of Jihad*, *44 Ways for Supporting Jihad*, *39 Ways to Serve and Participate in Jihad*, and *10 Methods To Detect And Foil The Plots Of Spies*. He had copies of speeches by influential members of ISIL, including its leader, Abu Bakr al-Baghdadi.

The computers had information regarding Cornell's planned attack, including many images and diagrams of buildings in Washington, D.C., including the Capitol, the FBI Headquarters, the Israeli Embassy, and a military recruiting station. Most of the images pertained to the U.S. Capitol.

IV. CORNELL'S CONDUCT AFTER ARREST.

Aside from the nature of the offense, this case is unusual in the amount of post-arrest conduct and misconduct by the Defendant, all of which reflects on Cornell's personal characteristics, his persistence in trying to incite violence, and his efforts to obstruct justice through witness intimidation. These events reflect a profound lack of remorse, or at least a very lengthy delay in the appearance of any remorse by Cornell. The Supreme Court and other courts have indicated that lack of remorse is an appropriate aggravating factor, as long as it is not based on mere silence. *See Zant v. Stephens*, 462 U.S. 862, 886 n. 22 (1983) (lack of remorse is an appropriate free standing factor); *United States v.*

Sutton, 387 Fed. Appx. 595, 605 (6th Cir. 2010); *United States v. Caro*, 597 F.3d 608, 630–31 (4th Cir. 2010); *United States v. Mikos*, 539 F.3d 706, 718–19 (7th Cir. 2008).

One would think that the shock of being arrested for these offenses would have an immediate and sobering effect on a young man’s psyche. But that is not what happened. As explained below, Cornell became even more proud of and obstinate regarding his attack plans and allegiance to ISIL, calling himself a prisoner of war. He remained determined to cause harm and tried (in multiple ways) to rally others to violence. And instead of recognizing his own fault in the events, he lashed out and tried to incite violence against the CHS witness. All of this culminated in extreme security measures (perhaps unprecedented in this district) that illustrate the nature and characteristics of the Defendant.

A. The News Interview.

On March 5, 2015, almost two months after his arrest, Cornell contacted a news station and gave a one-hour interview by telephone under the name of Raheel Marhus Ubaydah.⁶ During the interview, Cornell read his “Message to America” speech that boasted of his planned attack, stated he was a fighter for the Islamic State, and called on others to commit violent attacks on America. He stated: “I got orders from the brothers overseas. . . with the Islamic State, in the East in Syria and Iraq... They give me specific orders to carry out jihad in the West, so I did so.” Cornell wouldn’t say who he spoke to or how contacted them. He said he spoke to a handful of ISIL contacts and mentioned Junaid Hussain, a known ISIL recruiter, as one of his contacts. Cornell said he was so dedicated that he risked his life. He later reiterated that he is not merely a sympathizer, but that he is a fighter for the Islamic State and this was an attack from the Islamic State against America.

⁶ The defense filed a motion seeking injunctive relief, but the District Court allowed the news station to air the interview. (R.22, 25.) The news station did not broadcast the portions of the interview that included Cornell’s calls for violence.

Cornell was asked what he would have done if the FBI had not stopped him. He said: “I would have took my gun, I would have put it to Obama’s head. I would have pulled the trigger, then I would have unleashed more bullets on the Senate and the House of Representative members, and the Israeli Embassy and various other buildings full of kuffar [nonbelievers].” Cornell later repeated that his hope was to attack the Israeli Embassy in addition to the Capitol.

Cornell said he was not afraid of the punishment. Cornell said that he spoke with others through encrypted messaging about waging jihad in America in alliance with the Islamic State, as a “sleeper cell.” He said that there will be many, many attacks and that “they” will raise the ISIL flag over the Capitol. Cornell said that ISIL supporters are everywhere and in every state. When asked if he would behead an American if asked to do so by the Islamic State, Cornell said, “Yes, I would.”

Cornell added, “This is war. . . I am indeed a prisoner of war.” He was confident that other ISIL supporters would take up the cause, stating, “As soon as my gun fell, they picked it up and they will continue on.”

B. The “Message to America” and Hunger Strike Letters.

In July 16, 2015, jail officials informed the defense and the government that Defendant Cornell had written a document called “A Message to America” and that he had printed off approximately 40 copies of the two-page typed document. The document is nearly identical to the letter found on Cornell’s computer at the time of the arrest and described above. The document again ends with a call to violent attacks against government officials. Cornell wrote:

“[A]waken for this is the call of Jihad! You load your guns, you assemble your explosive devices, you get out there and you use your weapons. You hunt down the government employees, the Media, the soldiers, the Jews, the Crusaders, the Zionist, the Shia and the apostate allies and you kill them! You kill them where you can, when you can! We need to destroy this kufar [unbeliever] system but I cannot do this alone. I need you now! So go forth and fight against the disbelieving people of America.”

On July 24, 2015, jail officials informed the government that Cornell had placed at least two envelopes in the outgoing mail containing the “Message to America” letter. Cornell addressed the letters to a mosque in Canada and a media company in Pennsylvania. Other copies are believed to have been mailed through other inmates.

On that same day -- July 24, 2015 -- Cornell attempted to mail a different letter to officials at the FBI, the United States Attorney’s Office, and the U.S. District Court (for Kentucky). The second letter from Cornell stated that he was fully competent and was not suicidal. However, we wanted to be transferred into the custody of the Islamic State and threatened to go on a hunger strike until he was handed over. He further offered to renounce his citizenship to do so.

C. Reports from Others.

Furthermore, on August 25, 2015, FBI-Cincinnati received a letter from an inmate who was previously housed in a cell adjacent to Defendant Cornell. The inmate stated in the letter that Cornell made statements about his plans to attack the President of the United States during the State of the Union and made continuing threats against the President. According to the letter, Cornell also made threats against a confidential source who is a witness against Cornell. The FBI interviewed the inmate, who said that Cornell had asked the inmate and others to mail letters for Cornell under their own name to avoid scrutiny. The inmate said that he and others did mail letters for Cornell. He also stated his understanding that Cornell had communicated with another individual in another state. According to the inmate, Cornell still wanted to execute an attack on the government and on the confidential source-witness, using the help of this third party. The inmate said Cornell seemed obsessed with his plan to attack the Capitol and kill the President.

D. The Imposition of Special Administrative Measures.

Due to continuing issues with Defendant Cornell's behavior while incarcerated as explained above, the U.S. Attorney for the Southern District of Ohio made a request to the United States Attorney General on August 24, 2015 that Special Administrative Measures be imposed on Cornell pursuant to 28 C.F.R. § 501.3. On October 29, 2015, the United States Attorney General issued a Memorandum imposing Special Administrative Measures for Cornell.

The Special Administrative Measures were deemed necessary in order to protect persons against the risk of death or serious bodily injury. This finding was based on Cornell's demonstrated actions and entrenched interest to harm American personnel and property; on the violent sentiments expressed by Cornell in his writings and telephone interview; as well as his persistent and ongoing attempts to share his views with the public in order to inspire violence.

E. Cornell's Attempts to Threaten the Source.

Moreover, from the time after his arrest and through his incarceration, Cornell and his father ("John, Sr.") had numerous discussions as to how they could identify the CHS. These discussions and efforts occurred during phone calls and in-person visits to the jail. Early on, on March 25, 2015, law enforcement agents spoke with Cornell's father regarding his efforts with Cornell to identify the CHS. The agents advised that the identity of the CHS was confidential and that such confidentiality is a serious matter. Nevertheless, after the visit from the law enforcement agents and even after the imposition of the SAMs, Cornell and his father continued to discuss efforts to identify and locate the CHS during phone calls and jail visits.

In fact, Cornell and his father began concealing their communications from the normal recording devices of the jail. For example, on November 3, 2015, during a visit to the jail, Cornell and his father discussed how to locate the CHS. Part of the recording is muffled and inaudible,

indicating that they were covering the recording phone receiver in the visiting area. The same concealment happened in subsequent visits when the CHS was discussed.

Another inmate housed with Cornell reported statements made by Cornell in January 2016. According to the inmate source, Cornell stated that he knew who the CHS was and that it was a “Somali in Columbus” who had been previously charged with crimes and used as a witness.

On or about January 20, 2016, after the SAMs were imposed, Cornell posted messages in the comment section of a website.⁷ One of the posts stated that, “I am a Muslim prisoner being held captive by the kufar in the West.” One of the messages posted by Cornell on January 20, 2016 included a discussion of his plot to attack the U.S. Capitol. He also wrote a lengthy plea nearly identical to his “Message to America” letter. In the post, Cornell asked others to join him in violent jihad against America and its citizens. The post concludes: “You load your guns, you assemble your explosive devices, you get out there and you use your weapons. You hunt down the government employees, the media, the soldiers...”

Another lengthy online post by Cornell on that same day was entitled, “FBI INFORMANT EXPOSED.” The post set forth descriptive details of the purported CHS (as believed by Cornell). The description included the CHS’s purported alias, true name, location of birth, last known location, age, nationality, skin color, hair, eye color, height, weight, languages, religion, work, cars, type of phone, Twitter handles, Kik handles, and wife and children descriptions. It also described the purported past legal history and criminal case for the CHS.

⁷ The computer terminal was supposed to have limited internet access intended solely for the purpose of permitting legal research via Westlaw or Lexis. A security program was installed to prevent inmates from accessing other internet sites. However, a computer forensic analysis confirmed that Cornell was able to circumvent the security program and access the website from the legal research terminal.

According to the inmate source, Cornell returned to his cell the evening of January 20, 2016 (after making his online posting) and stated that he (Cornell) had sent a message to the purported CHS through a messaging application saying that the CHS would “pay for what he’s done and that he turned on his religion.” Cornell claimed to have a picture of the CHS, that he has the picture hidden in a file on the prison computer, and that Cornell has been using the messaging application while in jail. Cornell planned to re-download the Wickr application to a USB flash drive that he bought from the jail commissary and store it in his personal property. The inmate source stated that Cornell stated that he sent copies of the purported CHS’s picture to people across the country, but some copies were intercepted. Cornell stated that he wants to spread the word to other Muslims that the CHS is a traitor and is still working through social media to entrap people. Bear in mind, this conduct is a full year after his arrest.

Search warrants were executed on Cornell’s jail cell, the jail computer, and the apartment of Cornell’s father in response to the website posting. The evidence from the jail cell demonstrated the extent to which Cornell was fixated on identifying the CHS and obtaining revenge.

For example, Cornell took the printed transcripts of his meetings with the CHS from the discovery and underlined or circled every instance in which he felt the CHS made a statement that might be a clue to the CHS’s identity. He then used such information to research any person(s) that may fit the profile. Cornell (presumably with his father’s help) eventually identified an individual that they believed was the true identity of the CHS. Cornell handwrote and then later typed up a long profile of the purported person with all of the descriptions from the discovery and their online research, including name, location, descriptions of family members, and physical descriptions. This detailed document then became the basis for the profile that Cornell posted online. The jail cell search also uncovered that Cornell had written and typed a long document analyzing FBI instructions to the

CHS and perceived tactics. Cornell also had maintained a lengthy, handwritten list in jail of any news events he heard pertaining to terrorist attacks.

As a result, Cornell was transferred in March 2016 from a local facility to a BOP federal facility in order to enforce the SAMs. In April 2016, shortly before the competency hearing, Cornell wrote letters to his family to the effect that he had shaved his head, was not practicing any religion,⁸ and felt better. Based on a follow-up meeting the weekend before the hearing, the Defendant's psychiatric expert changed his opinion and opined that Cornell was competent.

VI. SENTENCING GUIDELINES.

The government concurs with the calculation of the sentencing guidelines reflected in the PSR.

Count 1 (Attempted Murder)

Base offense	33	USSG § 2A2.1
Victim adjustment	6	USSG § 3A1.2(a) (targeting gov't. employees)
Terrorism enhancement	12	USSG § 3A1.4(a)
<u>Obstruction of justice</u>	<u>2</u>	USSG § 3C1.1 (threat to potential witness)
SUBTOTAL	53	

Count 4 (Material Support)

Base offense	26	USSG § 2M5.3(a)
Weapons enhancement	2	USSG § 2M5.3(b)(1)
Terrorism enhancement	12	USSG § 3A1.4(a)
<u>Obstruction of justice</u>	<u>2</u>	USSG § 3C1.1 (threat to potential witness)
SUBTOTAL	42	

Combined Adjusted Offense Level	53
Acceptance of responsibility	<u>-3</u>

Total Offense Level 50, reduced to the cap of **43**. (PSR, ¶ 68)

⁸ Subsequent letters indicated that Cornell was considering a return to his Muslim faith, but that appeared to be unsettled.

Count 3 (possession of firearm in furtherance of crime of violence). The guideline sentence is the minimum term of imprisonment (60 months). (PSR, ¶ 69.) The criminal history category is automatically set at VI, according to USSG § 3A1.4(b), because it is an offense involving federal terrorism. (PSR, ¶ 74.) An offense level of 43 and a criminal history category of VI results in a recommended sentence of life imprisonment, before considering the statutory maximums.

VII. OTHER SENTENCING GUIDELINE FACTORS.

Pursuant to 18 U.S.C. § 3553(a), the sentence must also consider the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense. The sentence must also afford adequate deterrence to criminal conduct and protect the public from further crimes of the Defendant. 18 U.S.C. § 3553(a).

As discussed above, the seriousness of this crime is apparent. The Defendant plotted to commit a violent attack that could have resulted in numerous deaths. The Defendant further intended to commit these murders as a symbolic attack on the United States as a whole. An attempt to murder another individual is horrific enough and justifies a significant sentence. But this was more than that. Cornell wanted to inflict pain on the psyche of the entire country, and terrorize its leadership. Furthermore, Cornell aligned himself with a designated foreign terrorist organization, ISIL, that has called for the destruction of the West. ISIL has attempted to strike blows at the United States from within our own borders, and this case is a stark example of such plans. Had the Defendant been successful, lives would have been lost and ISIL would have used the attack as propaganda to recruit more people like the Defendant to commit even more atrocities.

A sentence of 30 years of imprisonment for this plot reflects the seriousness of the offenses, promotes respect for the law, and provides just punishment. The sentence would also serve as an appropriate deterrent to any others who would plan to attack the country in such a manner.

VI. SENTENCING RECOMMENDATION.

Pursuant to the Rule 11(c)(1)(C) plea agreement, the parties have agreed that the sentence should not exceeds 30 years of imprisonment.

Based on the foregoing and the relevant § 3553(a) factors, the government recommends the Defendant be sentenced for all three counts to a total of 30 years of incarceration (360 months). The government requests that this be accomplished by sentencing the Defendant to the statutory maximums for Counts 1 and 4, namely: 240 months for Count 1 and 180 months for Count 4. The government recommends that Count 4 run partially concurrent to Count 1. Specifically, 120 months of Count 4 would concurrently to Count 1 and 60 months would run consecutively to Count 1, for a total of 300 months for Counts 1 and 4. The government then requests a sentence of 60 months for Count 3 (the § 924(c) charge), to run consecutively for a final total sentence of 360 months.

The government also requests a lifetime period of supervised release. Lastly, the government requests forfeiture of the AK-47 rifle purchased by the Defendant.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Sentencing Memorandum was served this
21st day of November, 2016 by ECF on all counsel of record.

s/Timothy S. Mangan
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